

**From:** Brian Knotts  
**To:** Microsoft ATR  
**Date:** 1/23/02 12:35pm  
**Subject:** Comments regarding the Revised Proposed Final Judgment

Although the Revised Proposed Final Judgment does address some of the tactics Microsoft used to illegally maintain and extend its monopoly position, I am concerned about this portion:

Nothing in this provision shall prohibit Microsoft from enforcing any provision of any license with any OEM or any intellectual property right that is not inconsistent with this Final Judgment.

While this may seem to be standard disclaimer language, I am afraid it will be misused by Microsoft to excuse behavior that they will almost certainly engage in, in an attempt to bypass the intent of the Judgment.

One of the OEM licensing practices Microsoft has used to build its operating system monopoly is the prohibition of any "non-Microsoft screens" between the BIOS screen and the launch of the Windows desktop. This prevents hardware manufacturers from shipping machines in a "dual-boot" configuration, which would allow consumers to choose the operating system they wish to use when they turn on their computer, because the operating system selection screen is a "non-Microsoft screen."

With the rapidly increasing size of computer hard disks, and availability of non-royalty operating systems such as Linux, "dual-boot" configurations could be very attractive to OEMs as a means of offering value-added differentiation from other vendors. As the Judgment language stands, I believe that Microsoft would still be able to prohibit this practice through its license, which would be a disservice to consumers.

The Judgment should explicitly prohibit Microsoft from doing anything to prevent OEMs from shipping "dual-boot" configurations.

--

Brian Knotts  
P.O. Box 37  
Bridal Veil, OR 97010  
bknotts@slappy.org